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From: **Aaron C. Deditch** Date: **January 25, 2005**
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Client/Matter: **12745/5** Total number of pages: **10**
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Please deliver to:

Name	Company	Fax	Phone
Examiner Than Vinh Nguyen		703-872-9306	

Message:

RE: Docket No. 12745/5 (formerly Docket No. 10378/3)
Appl. Serial No. 09/829,646

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Att. Docket No. 12745/5 (formerly Docket No. 10378/3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. Serial No. : 09/829,646 Confirmation No. 5370
Title : COMPUTER SYSTEM WITH TRANSPARENT DATA
MIGRATION BETWEEN STORAGE VOLUMES
Applicant(s) : Carey Philip Atkin
Filed : April 10, 2001
TC/A.U. : 2187
Examiner : Than Vinh Nguyen
Docket No. : 12745/5
Customer No. : 26646

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AARON C. DEDITCH (Reg. No. 33,865)

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Attn: Examiner Than Vinh Nguyen (Facsimile No.: 703-872-9306)
Phone No.: 571-272-4198 (Ex. Than Vinh Nguyen)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

S I R:

This Communication is to confirm the telephone conference between Examiner Than Vinh Nguyen and Aaron C. Deditch (reg. no. 33,865) of January 11, 2005. Examiner Nguyen advised that in connection with the first Office Action having a date of November 24, 2004, the restriction on permitting extensions of time under the provisions of 37 C.F.R. § 1.136(a) in paragraph three (3) of page two (2) will be removed since the related litigation has been dismissed in a Memorandum and Order dated September 25, 2001 in the litigation of *Innovation Data Processing, Inc. v. Amdahl Corp.*, the complaint for which was filed with the Reissue Application on April 10, 2001. A copy of the Order dismissing the lawsuit accompanies this Communication.

In the telephone conference of January 11, 2004, the Examiner advised that he would issue an Office Communication concerning the Office Action of November 24, 2004 to confirm the fact that Applicants may obtain extensions of time to respond to the first Office action since the related litigation has been dismissed. It is therefore respectfully requested that the Examiner issue an Office Communication (before the three-month due date of February 24, 2005) concerning the Office Action of November 24, 2004 to confirm the fact that Applicants may obtain extensions of time to respond to the first Office action since the related litigation has been dismissed.

While no fee is believed to be due, the Commissioner is authorized to charge payment of any fees (including any extension fees) associated with this communication or credit any overpayment to the deposit account of Kenyon & Kenyon, deposit account number 11-0600. A duplicate copy of this page is enclosed.

Dated:

Respectfully submitted,
KENYON & KENYON

By:

Aaron C. Deditch (Reg. No. 33,865)

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